

1 AN ACT

2 relating to authorizing the provision of temporary secure storage
3 for weapons at certain public buildings; authorizing fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 2165, Government Code, is amended by
6 adding Subchapter J to read as follows:

7 SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC
8 BUILDINGS

9 Sec. 2165.451. APPLICABILITY. (a) This subchapter applies
10 to a building or portion of a building:

11 (1) that is:

12 (A) used by an agency of this state; and

13 (B) generally open to the public; and

14 (2) in which:

15 (A) carrying a handgun or other firearm,
16 location-restricted knife, club, or other weapon on the premises or
17 part of the premises would violate Chapter 46, Penal Code, or other
18 law; or

19 (B) the state agency in control of the building,
20 by sign or otherwise, prohibits handguns or other firearms,
21 location-restricted knives, clubs, or other weapons on the premises
22 or part of the premises.

23 (b) This subchapter does not apply to:

24 (1) a penal institution, as that term is defined by

1 Section 1.07, Penal Code; or

2 (2) a public primary or secondary school or
3 institution of higher education.

4 Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A
5 state agency may provide temporary secure weapon storage for a
6 building or portion of a building to which this subchapter applies
7 for persons who enter the building or portion of the building with a
8 weapon prohibited in that building or portion of the building.

9 (b) The temporary secure weapon storage may be provided by:

10 (1) self-service weapon lockers described by Section
11 2165.453; or

12 (2) other temporary secure weapon storage operated at
13 all times by a designated state agency employee under Section
14 2165.454.

15 Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
16 SECURE STORAGE. (a) A state agency may provide self-service weapon
17 lockers for the temporary secure storage of any weapon prohibited
18 in a building or portion of a building.

19 (b) A self-service weapon locker must allow secure locking
20 by the user and:

21 (1) provide a key for reopening; or

22 (2) reopen by electronic means, such as by a
23 fingerprint scan or entry of a numeric code.

24 (c) A state agency may require a person to submit the
25 person's name, the number of the person's driver's license or other
26 form of identification, and the person's telephone number as a
27 condition for use of a self-service weapon locker.

1 (d) A person placing a weapon in a self-service weapon
2 locker may designate an alternate person to whom the weapon may be
3 released if the person is not able to reclaim the person's weapon
4 before the 30th day after the date the weapon was placed in the
5 locker.

6 Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE
7 ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide
8 temporary secure weapon storage operated by a designated agency
9 employee for a building or portion of a building in which weapons
10 are prohibited.

11 (b) The weapons in temporary secure weapon storage must be
12 held in a safe, locker, or other location that is locked and
13 accessible only to the designated employee.

14 (c) If a person chooses to give to the designated employee
15 the person's weapon for temporary secure storage, the employee
16 shall:

17 (1) securely affix a claim tag to the weapon;

18 (2) provide the person with a claim receipt for
19 reclaiming the weapon;

20 (3) record the person's name, the number of the
21 person's driver's license or other form of identification, and the
22 person's telephone number; and

23 (4) if designated by the person placing the weapon in
24 temporary secure weapon storage, record the name of an alternate
25 person to whom the weapon may be released if the person is not able
26 to reclaim the person's weapon before the 30th day after the date
27 the weapon was placed in storage.

1 (d) A person may reclaim the person's weapon by showing the
2 designated employee operating the temporary secure weapon storage:

3 (1) the claim receipt given to the person at the time
4 the weapon was placed in temporary secure storage; or

5 (2) the person's driver's license or other form of
6 identification.

7 (e) A state agency that provides temporary secure weapon
8 storage under this section shall ensure that:

9 (1) the temporary secure weapon storage is available
10 and monitored by a designated agency employee at all times that the
11 building or portion of the building is open to the public; and

12 (2) a person who is choosing to place the weapon in
13 storage or retrieving the weapon from storage is not required to
14 wait more than a reasonable period.

15 Sec. 2165.455. FEES. A state agency under this subchapter
16 may collect a fee of not more than \$5 for the use of a self-service
17 weapon locker or other temporary secure weapon storage.

18 Sec. 2165.456. UNCLAIMED WEAPONS. (a) A weapon that is
19 unclaimed at the end of a business day may be removed from the
20 self-service weapon locker or other temporary secure storage and
21 placed in another secure location.

22 (b) If practicable, the state agency shall notify the person
23 who placed the weapon in a self-service weapon locker or other
24 temporary secure storage that the weapon is in the custody of the
25 state agency and is subject to forfeiture if not reclaimed before
26 the 30th day after the date the weapon was placed in a self-service
27 weapon locker or other temporary secure storage. If the person

1 provided a telephone number when the weapon was placed in a
2 self-service weapon locker or other temporary secure storage, the
3 state agency shall notify the person by using that telephone
4 number.

5 (c) At each location where a weapon may be placed in a
6 self-service weapon locker or other temporary secure storage, the
7 state agency shall post a sign that describes the process for
8 reclaiming a weapon left in a self-service weapon locker or other
9 temporary secure storage for more than one business day.

10 (d) The state agency may require identification or other
11 evidence of ownership before returning the unclaimed weapon. On
12 return of the weapon, the state agency may charge a fee of not more
13 than \$10 per day and not to exceed a total of \$150 for the extended
14 storage of the weapon.

15 (e) If the weapon is not reclaimed before the 30th day after
16 the date the weapon was placed in a self-service weapon locker or
17 other temporary secure storage, the weapon is forfeited.

18 (f) If the forfeited weapon may not be legally possessed in
19 this state, the state agency shall turn the weapon over to local law
20 enforcement as evidence or for destruction.

21 (g) If a person may legally possess the weapon in this
22 state:

23 (1) the forfeited weapon may be sold at public sale by
24 an auctioneer licensed under Chapter 1802, Occupations Code; or

25 (2) the law enforcement agency holding the weapon may
26 release the weapon to another person if:

27 (A) the person:

1 location-restricted knife, club, or other weapon on the premises or
2 part of the premises would violate Chapter 46, Penal Code, or other
3 law; or

4 (B) the political subdivision in control of the
5 building, by sign or otherwise, prohibits handguns or other
6 firearms, location-restricted knives, clubs, or other weapons on
7 the premises or part of the premises.

8 (b) This chapter does not apply to:

9 (1) a penal institution, as that term is defined by
10 Section 1.07, Penal Code; or

11 (2) a public primary or secondary school or
12 institution of higher education.

13 Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A
14 political subdivision may provide temporary secure weapon storage
15 for a building or portion of a building to which this chapter
16 applies for persons who enter the building or portion of the
17 building with a weapon prohibited in that building or portion of the
18 building.

19 (b) The temporary secure weapon storage may be provided by:

20 (1) self-service weapon lockers described by Section
21 365.003; or

22 (2) other temporary secure weapon storage operated at
23 all times by a designated employee of the political subdivision
24 under Section 365.004.

25 Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY
26 SECURE STORAGE. (a) A political subdivision may provide
27 self-service weapon lockers for the temporary secure storage of any

1 weapon prohibited in a building or portion of a building.

2 (b) A self-service weapon locker must allow secure locking
3 by the user and:

4 (1) provide a key for reopening; or

5 (2) reopen by electronic means, such as by a
6 fingerprint scan or entry of a numeric code.

7 (c) A political subdivision may require a person to submit
8 the person's name, the number of the person's driver's license or
9 other form of identification, and the person's telephone number as
10 a condition for use of a self-service weapon locker.

11 (d) A person placing a weapon in a self-service weapon
12 locker may designate an alternate person to whom the weapon may be
13 released if the person is not able to reclaim the person's weapon
14 before the 30th day after the date the weapon was placed in the
15 locker.

16 Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED
17 BY EMPLOYEE OF POLITICAL SUBDIVISION. (a) A political subdivision
18 may provide temporary secure weapon storage operated by a
19 designated employee of the political subdivision for a building or
20 portion of a building in which weapons are prohibited.

21 (b) The weapons in temporary secure weapon storage must be
22 held in a safe, locker, or other location that is locked and
23 accessible only to the designated employee.

24 (c) If a person chooses to give to the designated employee
25 the person's weapon for temporary secure storage, the employee
26 shall:

27 (1) securely affix a claim tag to the weapon;

1 (2) provide the person with a claim receipt for
2 reclaiming the weapon;

3 (3) record the person's name, the number of the
4 person's driver's license or other form of identification, and the
5 person's telephone number; and

6 (4) if designated by the person placing the weapon in
7 temporary secure weapon storage, record the name of an alternate
8 person to whom the weapon may be released if the person is not able
9 to reclaim the person's weapon before the 30th day after the date
10 the weapon was placed in storage.

11 (d) A person may reclaim the person's weapon by showing the
12 designated employee operating the temporary secure weapon storage:

13 (1) the claim receipt given to the person at the time
14 the weapon was placed in temporary secure storage; or

15 (2) the person's driver's license or other form of
16 identification.

17 (e) A political subdivision that provides temporary secure
18 weapon storage under this section shall ensure that:

19 (1) the temporary secure weapon storage is available
20 and monitored by a designated employee of the political subdivision
21 at all times that the building or portion of the building is open to
22 the public; and

23 (2) a person who is choosing to place the weapon in
24 storage or retrieving the weapon from storage is not required to
25 wait more than a reasonable period.

26 Sec. 365.005. FEES. A political subdivision under this
27 chapter may collect a fee of not more than \$5 for the use of a

1 self-service weapon locker or other temporary secure weapon
2 storage.

3 Sec. 365.006. UNCLAIMED WEAPONS. (a) A weapon that is
4 unclaimed at the end of a business day may be removed from the
5 self-service weapon locker or other temporary secure storage and
6 placed in another secure location.

7 (b) If practicable, the political subdivision shall notify
8 the person who placed the weapon in a self-service weapon locker or
9 other temporary secure storage that the weapon is in the custody of
10 the political subdivision and is subject to forfeiture if not
11 reclaimed before the 30th day after the date the weapon was placed
12 in a self-service weapon locker or other temporary secure storage.
13 If the person provided a telephone number when the weapon was placed
14 in a self-service weapon locker or other temporary secure storage,
15 the political subdivision shall notify the person by using that
16 telephone number.

17 (c) At each location where a weapon may be placed in a
18 self-service weapon locker or other temporary secure storage, the
19 political subdivision shall post a sign that describes the process
20 for reclaiming a weapon left in a self-service weapon locker or
21 other temporary secure storage for more than one business day.

22 (d) The political subdivision may require identification or
23 other evidence of ownership before returning the unclaimed weapon.
24 On return of the weapon, the political subdivision may charge a fee
25 of not more than \$10 per day and not to exceed a total of \$150 for
26 the extended storage of the weapon.

27 (e) If the weapon is not reclaimed before the 30th day after

1 the date the weapon was placed in a self-service weapon locker or
2 other temporary secure storage, the weapon is forfeited.

3 (f) If the forfeited weapon may not be legally possessed in
4 this state, the political subdivision shall turn the weapon over to
5 local law enforcement as evidence or for destruction.

6 (g) If a person may legally possess the weapon in this
7 state:

8 (1) the forfeited weapon may be sold at public sale by
9 an auctioneer licensed under Chapter 1802, Occupations Code; or

10 (2) the law enforcement agency holding the weapon may
11 release the weapon to another person if:

12 (A) the person:

13 (i) claims a right to or interest in the
14 weapon and provides an affidavit confirming that the person wholly
15 or partly owns the weapon or otherwise has a right to or interest in
16 the weapon; or

17 (ii) is an alternate person designated by
18 the person under Section 365.003(d) or 365.004(c)(4); and

19 (B) for a weapon that is a firearm, the law
20 enforcement agency conducts a check of state and national criminal
21 history record information and verifies that the person may
22 lawfully possess a firearm under 18 U.S.C. Section 922(g).

23 (h) Only a firearms dealer licensed under 18 U.S.C. Section
24 923 may purchase a firearm at public sale under this section.

25 (i) Proceeds from the sale of a weapon under this section
26 shall be transferred, after the deduction of auction costs, to the
27 treasury of the political subdivision.

1 SECTION 3. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 29 was passed by the House on April 16, 2021, by the following vote: Yeas 109, Nays 36, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 29 on May 28, 2021, by the following vote: Yeas 102, Nays 45, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 29 was passed by the Senate, with amendments, on May 20, 2021, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor